

AO 440 (Rev. 8/01) | SDWV/CIV-004 (4/05) Summons in a Civil Action

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

AMERICAN METALS & COAL
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

CIVIL ACTION No. 2:05-cv-00822

WHITE MOUNTAIN MINING CO., LLC,
a West Virginia limited liability company;
and APACHE MINING CO., L.L.C., a
West Virginia limited liability company,

Defendants.

TO [Name and address of defendant]:

WHITE MOUNTAIN MINING CO., LLC
c/o Joseph C. Phillips
109 Appalachian Drive
Beckley, WV 25801

YOU ARE HEREBY SUMMONED and required to serve on [Name and address of Attorney(s) for Plaintiff(s)]:

Brian A. Glasser (WVSB # 6597)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

A. B. Maloy (WVSB # 9305)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

an answer to the complaint which is served on you with this summons, within ²⁰~~60~~ days of service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: OCT 11 2005

BY:

Eugenia Berger
DEPUTY CLERK

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WHITE MOUNTAIN MINING CO., LLC,
a West Virginia limited liability company;
and APACHE MINING CO., L.L.C., a
West Virginia limited liability company,

Defendants.

TO [Name and address of defendant]:

Apache Mining Co., L.L.C.
c/o John A. Rollins
300 Summers Street, Suite 700
Charleston, WV 25301

YOU ARE HEREBY SUMMONED and required to serve on [Name and address of Attorney(s) for Plaintiff(s)]:

Brian A. Glasser (WVSB #6597)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

A. B. Maloy (WVSB #9305)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

an answer to the complaint which is served on you with this summons, within ²⁰~~30~~ days of service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: OCT 11 2005

BY:

Eugene Berger
DEPUTY CLERK

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